



January 14, 2005

David C. Casey
Direct: 617.378.6001
Direct Fax: 617.737.0052
dcasey@littler.com

BY HAND DELIVERY

Honorable Mark J. Wolf
c/o Dennis O'Leary, Clerk
United States District Court
5th Floor, Courtroom 10
1 Courthouse Way
Boston, MA 02210

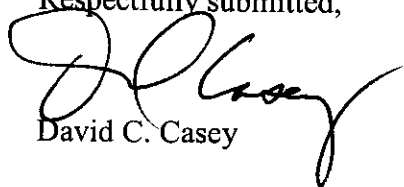
Re: Alexander v. Brigham and Women's Physicians Organization, Inc., et al.
Civil Action No. 04-10738 MLW

Dear Judge Wolf:

Despite our diligent efforts, the parties are not able to settle this case. Through extensive discussions, and informal exchange of information and memoranda, however, we believe that the most efficient way to manage the case for all concerned would be for the parties to brief the question of whether either or both of the BSG's deferred compensation plans are valid top hat plans under ERISA before engaging in any other litigation. We further propose that the parties be allowed to reserve their rights to file amended pleadings and, or conduct discovery following the Court's ruling on this issue, should that be relevant and warranted.

If this is acceptable to the Court, we suggest that plaintiff through Mr. Paris file his motion and supporting memoranda, with any supportive attachments, on March 10th, and that defendants through undersigned counsel file our opposition papers on April 15th, 2005.

Respectfully submitted,



David C. Casey

cc: Michael Paris, Esq. (by facsimile)

Boston: 603.31 047950.1002